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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,443	08/23/2001	Douglas A. Cheline	PD-201116	2220

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THE DIRECTV GROUP INC
PATENT DOCKET ADMINISTRATION RE/R11/A109
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EXAMINER

HERNANDEZ, OLGA

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/938,443

Applicant(s)

CHELINE ET AL.

Examiner

Olga Hernandez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 33005.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

Applicant argues that Genty does not teach "automatically configuring a client-side system in order to establish a secure VPN tunnel." The examiner disagrees. Configuration is (1) the relative arrangement, options, or connection pattern of a system and its subcomponent parts/objects. (2) the process of defining an appropriate set of collaborating hardware and software objects to solve a particular problem.¹ Genty discloses the Internet Protocol Security Protocol (IPsec) provides enhanced security features such as strong encryption algorithms and comprehensive authentication. IPsec has two encryption modes: tunnel and transport. Tunnel mode tunnels the original packet and builds a new IP header, while transport mode inserts the IPsec payload between the IP header and the data. Systems that are IPsec compliant can take advantage of this protocol. Also, all devices negotiate security parameters, but they must have compatible security policies set up. IPsec works well on both Remote-Access and Site-to-Site VPNs. IPsec must be supported at both tunnel interfaces to work (paragraph [0015]). Further, note the policy from the policy table for one or more set of endpoints determining the access method and preference order for connecting the local computer to a given remote computer (paragraph [0043]). In the instance case, all the

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devices negotiate the security parameters. Therefore, it is done automatically. Further, the applicant argues that Genty does not teach the client-side system is automatically configured with the VPN configuration details to establish a secure VPN tunnel between the client-side system and the server-side system. Again, the examiner disagrees. Note, phases 1 and 2, where the data is periodically refresh and the security policies are processed from a command line (paragraphs [0055]-[0056], [0082]-[0083], [0171], [0177]).

Regarding the 103 rejection, the applicant argues that the prior art of the independent claim 22 is improper; therefore, the 103 rejection is improper. Again the examiner disagrees for the same reasons stated on the paragraph above.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-22, 25-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Genty et al (2002/0178361).

As per claims 1, 13 and 18, Genty discloses: receiving data indicative of a selected server-side system and a selected client- side system between which a VPN is

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to be established (figures 1 and 2); automatically determining security settings for said client-side system based at least partially on said data (paragraph (0015)) ; and automatically transmitting VPN configuration details to said client-side system, where said VPN configuration details include said security settings, such that in use said client-side system is automatically configured with said VPN configuration details to establish a secure VPN tunnel between said client-side system and said server-side system (paragraphs [0015]-[0018] and figures 1-2, 4, 9).

As per claims 2 and 14, Genty discloses obtaining data indicative of a selected server in a server side system and a selected user of the client side system from a system administrator, via an electronic network (paragraphs (00562, (0057), (0111) and g01 12) and figures 1 and 2).

As per claims 3 and 15, Genty discloses the use public and private key (paragraph g0012)-g0014j).

As per claims 4 and 16, Genty discloses the use of digital certificate (figures 2, 3, 5 and 6).

As per claims 5, 6 and 17, Genty discloses automatically ascertaining further security setting for the server side (paragraphs [0031] and [0033]); automatically transmitting VPN configuration details to a concentrator/firewall within the server side system, where the VPN configuration detail include the further security settings (abstract, paragraphs [0019] and [0021]).

As per claims 7 and 8, Genty discloses the use of a modem within a client side system (figures 1-2 and paragraph [0216]).

As per claim 9, Genty discloses storing data and security settings (figures 1 and 2, paragraphs [0066]-[0074]).

As per claims 10, 12, 20, 21 and 25, Genty discloses the authentication process (paragraph [0003], [0011] and [0012]).

As per claim 11, Genty discloses establishing a VPN tunnel between the client and server systems and verifying that the tunnel is operational (paragraphs [0049], [0050], [0081], [0082]).

As per claim 19, Genty discloses the use of a modem within a client side system (figures 1-2 and paragraph (02162) and the authentication process (paragraphs [0003], [0011] and [0012]).

As per claim 22, Genty discloses:

- a client-side network comprising (figures 1 and 2);
- a modem that communicates with the internet; and at least one client computer electrically coupled to said modem (figures 1 and 2, abstract, paragraph [0216]);
- a server-side network comprising (figures 1 and 2);
- a VPN concentrator that communicates with the internet (figures 1 and 2 and abstract); and
- at least one server electrically coupled to said VPN concentrator; and a service provider network comprising (abstract and figures 1 and 2);

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- a security generator for automatically determining security settings used to secure VPN communication between said client computer and said server (paragraph [0015]);
- a VPN synchronizer for automatically configuring said modem with said security settings (figures 1 and 2, paragraph [0216]); and
- a modem synchronizer for automatically configuring said modem with said security settings (paragraphs [0216], [0015]-[0018] and figures 1-2, 4, 9).

As per claim 26, Genty discloses a VPN provider; A DNS server and a HTTP server (figure 1 and abstract).

As per claim 27, Genty disclose the use of public key (paragraph [0012]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Genty et al (2002/0178361).

As per claim 23, Genty teaches the use of a modem (paragraph [0216]). Genty does not teach the DSL modem. However, it would have been obvious to one skill in the art to substitute a modem for another type of modem in order to enhance the quality of

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the transmission. Further, applicant has admitted the DSL modem as prior art in page 3, lines 30-32.

As per claim 24, Genty discloses the authentication process (paragraphs [0003], [0011] and [0012]); the DSN server (abstract); and the proxy server (paragraph [0212]). Genty does not teach the router. However, the omission of an element and its function in combination where the remaining elements perform the same functions involves only routine skill in the art. In re Karlson, 136 USPQ 184. Further, applicant has admitted the DSN as prior art in page 5, lines 1-11.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga Hernandez whose telephone number is 571-272-7144. The examiner can normally be reached on Mon-Thu 8:30am-7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Olga Hernandez', is written over the word 'PAIR' in the paragraph above.

Olga Hernandez
Primary Examiner
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